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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

VINCENT MERTES,

Defendant.

CR No. 09-70015 EDL

STIPULATION AND [PROPOSED] ORDER
EXCLUDING TIME UNDER FED. R. CRIM.
P. 5.1 and 18 U.S.C. § 3161

On January 30, 2009, the parties in this case appeared before the Court for the government's motion for detention and to set the date for the defendant's preliminary hearing or arraignment. At that time, the parties requested, and the Court agreed, to set the date for the defendant's preliminary hearing or arraignment on February 27, 2009. The parties now request that pursuant to Federal Rule of Criminal Procedure ("FRCP") 5.1(d), the time limits set forth in

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FILED

FEB 03 2009

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 FRCP 5.1(c) be extended through February 27, 2009. The parties agree that, taking into account
2 the public interest in prompt disposition of criminal cases, good cause exists for this extension.

3 The defendant also agrees to exclude for this period of time any time limits applicable
4 under 18 U.S.C. § 3161. The parties represented that granting the continuance was the
5 reasonable time necessary for effective preparation of defense counsel. 18 U.S.C. §
6 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a
7 continuance outweighed the best interests of the public and the defendant in a speedy trial. 18
8 U.S.C. § 3161(h)(8)(A).

9 SO STIPULATED:

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11 JOSEPH P. RUSSONIELLO
United States Attorney

12
13 DATED: February 2, 2009

14 /s/
TAREK J. HELOU
Assistant United States Attorney

15
16 DATED: February 2, 2009

17 /s/
ANTHONY BRASS
Attorney for VINCENT MERTES

18 For the reasons stated above, the Court finds that the extension of time for the
19 defendant's preliminary hearing or arraignment through February 27, 2009 is warranted and that
20 the ends of justice served by the continuance outweigh the best interests of the public and the
21 defendant in a speedy trial. 18 U.S.C. § 3161 (h)(8)(A); FED. R. CRIM. P. 5.1(d). The failure to
22 grant the requested continuance would deny the defendant effective preparation of counsel, and
23 would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(iv).

24
25 SO ORDERED.

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27 DATED: 2-3-09

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THE HONORABLE ELIZABETH D. LAPORTE
United States Magistrate Judge